

Regular Session, 2014

HOUSE BILL NO. 1264 (Substitute for House Bill No. 208 by Representative Hoffman)

BY REPRESENTATIVE HOFFMANN

REVENUE DEPARTMENT: Prohibits the sale of electronic cigarettes and vapor products to persons under the age of eighteen

1 AN ACT

2 To amend and reenact R.S. 14:91.6(A) and 91.8(B), (C), (D), (E), (F)(1) and
3 (2)(introductory paragraph) and (c), and (H), R.S. 26:901, 902(1), 905(B), 909(A)(2),
4 910, 910.1, 911(A)(introductory paragraph), (1) and (2), 917(A)(introductory
5 paragraph) and (C), and 932(6), and R.S. 47:851(C)(2), and to enact R.S.
6 14:91.6(B)(6) and (7) and 91.8(G)(6) and (7), relative to alternative nicotine products
7 and vapor products; to prohibit the sale or other distribution of alternative nicotine
8 products and vapor pens to persons under the age of eighteen years; to provide
9 relative to definitions; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 14:91.6(A) and 91.8(B), (C), (D), (E), (F)(1) and (2)(introductory
12 paragraph) and (c), and (H) are hereby amended and reenacted and R.S. 14:91.6(B)(6) and
13 (7) and 91.8(G)(6) and (7) are hereby enacted to read as follows:

14 §91.6. Unlawful distribution of sample tobacco products, alternative nicotine
15 products, or vapor products to persons under age eighteen; penalty

16 A. No person shall distribute or cause to be distributed to persons under
17 eighteen years of age a promotional sample of any tobacco product, alternative
18 nicotine product, or vapor product.

19 B. For purposes of this Section, the following definitions apply:

20 * * *

21 (6) "Alternative nicotine product" means any non-combustible product
22 containing nicotine that is intended for human consumption, whether chewed,

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 absorbed, dissolved, or ingested by any other means. "Alternative nicotine product"

2 does not include any:

3 (a) Tobacco product.

4 (b) Vapor product.

5 (c) Product that is a drug pursuant to 21 U.S.C. 321(g)(1).

6 (d) Device pursuant to 21 U.S.C. 321(h).

7 (e) Combination product described in 21 U.S.C. 353(g).

8 (7) "Vapor product" means any non-combustible product containing nicotine

9 or other substances that employs a heating element, power source, electronic circuit,

10 or other electronic, chemical or mechanical means, regardless of shape or size, that

11 can be used to produce vapor from nicotine in a solution or other form. "Vapor

12 product" includes any electronic cigarette, electronic cigar, electronic cigarillo,

13 electronic pipe, or similar product or device and any vapor cartridge or other

14 container of nicotine in a solution or other form that is intended to be used with or

15 in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or

16 similar product or device. "Vapor product" does not include any:

17 (a) Product that is a drug pursuant to 21 U.S.C. 321(g)(1).

18 (b) Device pursuant to 21 U.S.C. 321(h).

19 (c) Combination product described in 21 U.S.C. 353(g).

20 * * *

21 §91.8. Unlawful sale, purchase, or possession of tobacco, alternative nicotine

22 products, or vapor products; signs required; penalties

23 * * *

24 B. It is the intent of the legislature that enforcement of this Section shall be

25 implemented in an equitable manner throughout the state. For the purpose of

26 equitable and uniform implementation and application of state and local laws and

27 regulations, the provisions of this Section shall supersede existing or subsequently

28 adopted local ordinances or regulations which relate to the sale, promotion, and

29 distribution of tobacco products, alternative nicotine products, or vapor products.

1 It is the intent of the legislature that this Section shall be equitably enforced so as to
2 ensure the eligibility for and receipt of any federal funds or grants the state now
3 receives or may receive relating to the provisions of this Section.

4 C. It is unlawful for any manufacturer, distributor, retailer, or other person
5 knowingly to sell or distribute any tobacco product, alternative nicotine product, or
6 vapor product to a person under the age of eighteen. However, it shall not be
7 unlawful for a person under the age of eighteen to accept receipt of a tobacco
8 product, alternative nicotine product, or vapor product from an employer when
9 required in the performance of such person's duties. At the point of purchase, a sign
10 in type not less than 30-point type shall be displayed that reads "LOUISIANA LAW
11 PROHIBITS THE SALE OF TOBACCO PRODUCTS, ALTERNATIVE
12 NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO PERSONS UNDER AGE
13 18".

14 D. It is unlawful for a vending machine operator to place in use a vending
15 machine to vend any tobacco product, alternative nicotine product, or vapor product
16 automatically, unless the machine displays a sign or sticker in not less than 22-point
17 type on the front of the machine stating, "LOUISIANA LAW PROHIBITS THE
18 SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR
19 VAPOR PRODUCTS TO PERSONS UNDER AGE 18", ~~or words of similar~~
20 ~~meaning.~~

21 E. It is unlawful for any person under the age of eighteen to buy any tobacco
22 product, alternative nicotine product, or vapor product.

23 F.(1) It is unlawful for any person under the age of eighteen to possess any
24 tobacco product, alternative nicotine product, or vapor product.

25 (2) However, it shall not be unlawful for a person under the age of eighteen
26 to possess a tobacco product, alternative nicotine product, or vapor product under
27 any of the following circumstances:

28 * * *

1 (c) When the tobacco product, alternative nicotine product, or vapor product
2 is handled during the course and scope of his employment and required in the
3 performance of such person's duties.

4 G. For purposes of this Section, the following definitions apply:

5 * * *

6 (6) "Alternative nicotine product" means any non-combustible product
7 containing nicotine that is intended for human consumption, whether chewed,
8 absorbed, dissolved, or ingested by any other means. "Alternative nicotine product"
9 does not include any:

10 (a) Tobacco product.

11 (b) Vapor product.

12 (c) Product that is a drug pursuant to 21 U.S.C. 321(g)(1).

13 (d) Device pursuant to 21 U.S.C. 321(h).

14 (e) Combination product described in 21 U.S.C. 353(g).

15 (7) "Vapor product" means any non-combustible product containing nicotine
16 or other substances that employs a heating element, power source, electronic circuit,
17 or other electronic, chemical or mechanical means, regardless of shape or size, that
18 can be used to produce vapor from nicotine in a solution or other form. "Vapor
19 product" includes any electronic cigarette, electronic cigar, electronic cigarillo,
20 electronic pipe, or similar product or device and any vapor cartridge or other
21 container of nicotine in a solution or other form that is intended to be used with or
22 in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or
23 similar product or device. "Vapor product" does not include any:

24 (a) Product that is a drug pursuant to 21 U.S.C. 321(g)(1).

25 (b) Device pursuant to 21 U.S.C. 321(h).

26 (c) Combination product described in 21 U.S.C. 353(g).

27 H.(1) A person who violates the provisions of this Section by selling or
28 buying tobacco products, alternative nicotine products, or vapor products shall be
29 fined not more than fifty dollars for the first violation. The penalties for subsequent

1 violations shall be a fine of not more than one hundred dollars for the second
2 violation, a fine of not more than two hundred fifty dollars for the third violation, and
3 a fine of not more than four hundred dollars for any violation thereafter.

4 (2) A person who violates the provisions of this Section by possessing
5 tobacco products, alternative nicotine products, or vapor products shall be fined not
6 more than fifty dollars for each violation.

7 * * *

8 Section 2. R.S. 26:901, 902(1), 905(B), 909(A)(2), 910, 910.1, 911(A)(introductory
9 paragraph), (1) and (2), 917(A)(introductory paragraph) and (C), and 932(6), are hereby
10 amended and reenacted to read as follows:

11 §901. Definitions

12 As used in this Chapter, the following terms have the meaning ascribed to
13 them in this Section, unless the context clearly indicates otherwise:

14 (1) "Alternative nicotine product" means any non-combustible product
15 containing nicotine that is intended for human consumption, whether chewed,
16 absorbed, dissolved, or ingested by any other means. "Alternative nicotine product"
17 does not include any:

18 (a) Tobacco product.

19 (b) Vapor product.

20 (c) Product that is a drug pursuant to 21 U.S.C. 321(g)(1).

21 (d) Device pursuant to 21 U.S.C. 321(h).

22 (e) Combination product described in 21 U.S.C. 353(g).

23 (2) "Brand family" has the meaning as set forth in R.S. 13:5072(1).

24 ~~(2)~~(3) "Cigar" includes any roll of tobacco for smoking, irrespective of size
25 or shape, and irrespective of the tobacco being flavored, adulterated, or mixed with
26 any other ingredients, where such roll has a wrapper made chiefly of tobacco.

27 ~~(3)~~(4) "Cigarette" includes any roll for smoking made wholly or in part of
28 tobacco, irrespective of size or shape and irrespective of the tobacco being flavored,
29 adulterated, or mixed with any other ingredient, where such roll has a wrapper or

1 cover made of paper, or any other material except where such wrapper is wholly or
2 in greater part made of tobacco.

3 ~~(4)~~(5) "Commissioner" means the commissioner of alcohol and tobacco
4 control.

5 ~~(5)~~(6) "Dealer" includes every person who manufactures or purchases cigars,
6 cigarettes, or other tobacco products for distribution or resale in this state. The term
7 also means any person who imports cigars, cigarettes, or other tobacco products from
8 any state or foreign country for distribution, sale, or consumption in this state.

9 ~~(6)~~(7) "Exporter license" means the stamping agent designation as set forth
10 in R.S. ~~26:902(5)(b)~~ 26:902(2).

11 ~~(7)~~(8) "Facility" means a part or portion of an establishment which is
12 designed so as to impede a minor's access to a vending machine by walls or other
13 separation in combination with signs designed to notify the public that persons under
14 the age of eighteen are prohibited from the area.

15 ~~(8)~~(9) A "knowing violation or failure" is a knowing or intentional engaging
16 in conduct without a good faith belief that the conduct was consistent with the
17 provisions of this Chapter.

18 ~~(9)~~(10) "Manufacturer" means anyone engaged in the manufacture,
19 production, or foreign importation of tobacco products who sells to wholesalers.

20 ~~(10)~~(11) "Person" means any natural person, trustee, company, partnership,
21 corporation, or other legal entity.

22 ~~(11)~~(12) "Place of business" means the place where the tobacco orders,
23 alternative nicotine products orders, or vapor products orders are received, or where
24 the taxable tobacco articles are sold, or if sold by a retail dealer upon a railroad train
25 or on or from any other vehicle, the vehicle on which or from which the taxable
26 articles or alternative nicotine products or vapor products are sold by the retail
27 dealer. It also includes the establishment where vending machines are located.

1 ~~(12)~~(13) "Purchase" means acquisition in any manner, for any consideration.

2 The term shall include transporting or receiving product in connection with a
3 purchase.

4 ~~(13)~~(14) "Retail dealer" includes every dealer other than a wholesale dealer,
5 or manufacturer who sells or offers for sale cigars, cigarettes, ~~or~~ other tobacco
6 products, alternative nicotine products, or vapor products, irrespective of quantity or
7 the number of sales.

8 ~~(14)~~(15) "Sale" or "sell" means any transfer, exchange, or barter in any
9 manner or by any means for any consideration. The term shall include distributing
10 or shipping product in connection with a sale. References to a sale "in" or "into" a
11 state refer to the state of the destination point of the product in the sale, without
12 regard to where title was transferred. References to sale "from" a state refer to the
13 sale of cigarettes that are located in that state to the destination in question without
14 regard to where title was transferred.

15 ~~(15)~~(16) "Sales entity affiliate" means an entity that sells cigarettes that it
16 acquires directly from a manufacturer or importer and is affiliated with that
17 manufacturer or importer as established by documentation received directly from
18 that manufacturer or importer to the satisfaction of the attorney general. Entities are
19 affiliated with each other if one, directly or indirectly through one or more
20 intermediaries, controls or is controlled by or is under common control with the
21 other.

22 ~~(16)~~(17) "Secretary" means the secretary of the Department of Revenue and
23 includes any of his duly authorized assistants.

24 ~~(17)~~(18) "Self-service display" means any display that contains tobacco
25 products, alternative nicotine products, or vapor products, and is located in an area
26 openly accessible to the retail dealer's customers and from which such customers can
27 readily access tobacco products, alternative nicotine products, or vapor products
28 without the assistance of a salesperson. A display case that holds tobacco products,

1 alternative nicotine products, or vapor products behind locked doors does not
2 constitute a self-service display for purposes of this Chapter.

3 ~~(18)~~(19) "Smokeless tobacco" means any finely cut, ground, powdered, or
4 leaf tobacco that is intended to be placed in the oral or nasal cavity.

5 ~~(19)~~(20) "Smoking tobacco" includes granulated, plug cut, crimp cut, ready
6 rubbed, and any other kind and form of tobacco prepared in such manner as to be
7 suitable for smoking in pipe or cigarette.

8 ~~(20)~~(21) "Stamp" means the impression, device, stamp, label, or print
9 manufactured or printed as prescribed by the secretary by the use of which the tax
10 levied hereunder is paid. By way of extension, and not limitation, the term "stamp"
11 means any impression or character affixed to or which shall be stamped upon
12 commodities by metered stamping machine or device by use of which the tax levied
13 hereunder is paid.

14 ~~(21)~~(22) "Stamping agent" means a dealer that is authorized to affix tax
15 stamps to packages or other containers of cigarettes under R.S. 47:843 et seq. or any
16 dealer that is required to pay the excise tax or tobacco tax imposed pursuant to R.S.
17 47:841 et seq. on cigarettes.

18 ~~(22)~~(23) "State directory" or "directory" means the directory compiled by the
19 attorney general under R.S. 13:5073, or, in the case of reference to another state's
20 directory, the directory compiled under the similar law in that other state.

21 ~~(23)~~(24) "Tobacconist" means any bona fide tobacco retailer engaged in
22 receiving bulk smoking tobacco for the purpose of blending such tobacco for retail
23 sale at a particular retail outlet where fifty percent or more of the total purchases for
24 the preceding twelve months were purchases of tobacco products, excluding
25 cigarettes.

26 ~~(24)~~(25) "Tobacco product" means any cigar, cigarette, smokeless tobacco,
27 or smoking tobacco.

28 (26) "Vapor product" means any non-combustible product containing
29 nicotine or other substances that employs a heating element, power source, electronic

1 circuit, or other electronic, chemical or mechanical means, regardless of shape or
2 size, that can be used to produce vapor from nicotine in a solution or other form.

3 "Vapor product" includes any electronic cigarette, electronic cigar, electronic
4 cigarillo, electronic pipe, or similar product or device and any vapor cartridge or
5 other container of nicotine in a solution or other form that is intended to be used with
6 or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or
7 similar product or device. "Vapor product" does not include any:

8 (a) Product that is a drug pursuant to 21 U.S.C. 321(g)(1).

9 (b) Device pursuant to 21 U.S.C. 321(h).

10 (c) Combination product described in 21 U.S.C. 353(g).

11 ~~(25)~~(27) "Vending machine" means any mechanical, electric, or electronic
12 self-service device which, upon insertion of money, tokens, or any other form of
13 payment, automatically dispenses tobacco products, alternative nicotine products, or
14 vapor products.

15 ~~(26)~~(28) "Vending machine operator" means any person who controls the use
16 of one or more vending machines as to the supply of cigarettes or any tobacco
17 products in the machine or the receipts from cigarettes vended through such
18 machines.

19 ~~(27)~~(29) "Wholesale dealer" means a dealer whose principal business is that
20 of a wholesaler, who sells cigarettes, cigars, or other tobacco products to retail
21 dealers for purpose of resale, who is a bona fide wholesaler, and fifty percent of
22 whose total tobacco sales are to retail stores other than its own or its subsidiaries
23 within Louisiana. Wholesale dealer shall include any person in the state who
24 acquires cigarettes solely for the purpose of resale in vending machines, provided
25 such person services fifty or more cigarette vending machines in Louisiana other
26 than his own, and a Louisiana dealer who was affixing cigarette and tobacco stamps
27 as of January 1, 1974.

1 §902. Permits

2 The commissioner shall issue as authorized by this Section the following
3 types of permits and shall adopt rules and regulations that specify the identifying
4 information that is required to appear on the face of each type of permit:

5 (1) Retail Dealer Permit. A retail dealer permit shall be issued to a dealer
6 other than a wholesale dealer or vending machine operator for each retail outlet
7 where cigars, cigarettes, ~~or other tobacco products,~~ alternative nicotine products, or
8 vapor products are offered for sale either over the counter or by vending machine.

9 * * *

10 §905. Renewal of a permit

11 * * *

12 B. If a dealer fails to file an application and pay the permit fees by the date
13 established by the commissioner, there shall be added to the fee, in addition to other
14 penalties provided in this Chapter, a delinquency penalty of twenty-five percent if
15 the failure is not more than thirty days, with an additional twenty-five percent for
16 each additional thirty days or fraction thereof during which the failure continues. If
17 the dealer fails to make his application by the date established by the commissioner,
18 the commissioner may, without notice or hearing, suspend his right to possess or sell
19 tobacco products, alternative nicotine products, and vapor products.

20 * * *

21 §909. General requirements of eligibility

22 A. The commissioner may suspend a permit previously issued or may refuse
23 to grant a permit if, after a hearing and by a preponderance of the evidence, it is
24 proven that the permittee, or an employee or agent thereof, or applicant either:

25 * * *

26 (2) Has violated the terms and provisions of R.S. 14:91.6 relative to the
27 unlawful distribution of tobacco products, alternative nicotine products, or vapor
28 products.

29 * * *

1 §910. Vending machines

2 In order to prevent persons under eighteen years of age from purchasing or
3 receiving tobacco products, alternative nicotine products, or vapor products from
4 vending machines, the sale or delivery of ~~tobacco~~ such products through a vending
5 machine is prohibited unless either:

6 (1) The machine is located in an establishment to which persons under the
7 age of eighteen are denied access.

8 (2) The machine is located in facilities where the dealer ensures that no
9 person younger than eighteen years of age is present or permitted to enter at any
10 time, and the machine is located within the unobstructed line of sight of a dealer or
11 a dealer's agent or employee who is responsible for preventing persons younger than
12 eighteen years of age from purchasing tobacco products, alternative nicotine
13 products, or vapor products through that machine.

14 §910.1. Self-service displays

15 A. In order to prevent persons under eighteen years of age from purchasing
16 or receiving tobacco products, alternative nicotine products, or vapor products from
17 self-service displays, the sale or delivery of ~~tobacco~~ such products through a self-
18 service display is prohibited unless the machine is a vending machine as defined in
19 R.S. 26:910 that complies with the terms and provisions of ~~R.S. 26:910~~ that Section.

20 B.(1) The provisions of this Section shall not apply to a tobacconist at a
21 particular outlet or a retail tobacco business.

22 (2) "Retail tobacco business" for purposes of this Section means a bona fide
23 retail dealer engaged in the sale of tobacco products and accessories for retail sale
24 where fifty percent or more of the total sales for the preceding twelve months,
25 excluding fuel sales, were tobacco products, including cigarettes, alternative nicotine
26 products, or vapor products.

27 (3) "Tobacconist at a particular outlet" for purposes of this Section means
28 a bona fide retail dealer engaged in receiving bulk smoking tobacco for the purpose
29 of blending such tobacco for retail sale at a particular retail outlet where fifty percent

1 or more of the total purchases for the preceding twelve months were purchases of
2 tobacco products, excluding cigarettes, alternative nicotine products, or vapor
3 products.

4 §911. Acts prohibited

5 A. No person, agent, associate, employee, representative, or servant of any
6 person shall permit any of the following acts to be done on or about any premises
7 which sells or offers for sale tobacco products, alternative nicotine products, or vapor
8 products:

9 (1) Sell or serve tobacco products, alternative nicotine products, or vapor
10 products over-the-counter in a retail establishment to any person under the age of
11 eighteen unless such person submits a driver's license, selective service card, or other
12 lawful identification which on its face establishes the age of the person as eighteen
13 years or older and there is no reason to doubt the authenticity or correctness of the
14 identification.

15 (2) Violate the terms and provisions of R.S. 14:91.6 relative to the unlawful
16 distribution of tobacco products, alternative nicotine products, or vapor products.

17 * * *

18 §917. Violations by employee; employer liability

19 A. Sale of tobacco products, alternative nicotine products, or vapor products
20 to a minor by a retail dealer's agent, associate, employee, representative, or servant
21 shall be considered an act of the retail dealer for purposes of suspension, revocation,
22 or assessment of civil penalties unless all of the following conditions exist:

23 * * *

24 C. The provisions of Subsection A of this Section shall not apply if a retail
25 dealer, or lawful retailer of alternative nicotine products or vapor products, as
26 applicable, within one hundred eighty days from the hiring of an agent, associate,
27 employee, representative, or servant can prove that he has made application to have
28 the employee attend a training program or the retail dealer or lawful retailer, as

1 applicable, has received an extension of time in which to comply from the
2 commissioner because of unavailability of a training program.

3 * * *

4 §932. Definitions

5 For purposes of this Chapter, the following terms have the respective
6 meanings ascribed to them in this Chapter, unless a different meaning clearly appears
7 from the context:

8 * * *

9 (6) "Server" means any employee of a vendor, other than security personnel,
10 who is authorized to sell or serve alcoholic beverages, ~~or~~ tobacco products,
11 alternative nicotine products, or vapor products in the normal course of his or her
12 employment or deals with customers who purchase or consume alcoholic beverages
13 or tobacco products. "Server" shall not include individuals employed on a temporary
14 or casual basis by a bona fide hotel or motel for banquets, catering, or other special
15 events.

16 * * *

17 Section 3. R.S. 47:851(C)(2) is hereby amended and reenacted to read as follows:

18 §851. Dealers receiving unstamped and/or nontax paid cigarettes, cigars, and
19 smoking tobaccos required to file monthly reports and maintain records;
20 vending machine restrictions

21 * * *

22 C.

23 * * *

24 (2) In accordance with ~~state law prohibiting minors from purchasing tobacco~~
25 ~~products~~ R.S. 14:91.8(D), vending machine operators shall affix a ~~sticker in a~~
26 ~~prominent place on each machine, in print not smaller than twenty-two point, sign~~
27 or sticker in not less than 22-point type on the front of each machine stating,
28 ~~"Louisiana Law Prohibits the Purchase of Tobacco Products by Anyone Under Age~~
29 ~~17"~~ "LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS,

1 ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO
2 PERSONS UNDER AGE 18".

3 * * *

4 Section 4. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Hoffmann

HB No. 1264

Abstract: Prohibits the sale of electronic cigarettes and vapor products to persons under the age of eighteen.

Present law prohibits the distribution of sample tobacco products to persons under the age of 18 years.

Proposed law retains present law and adds alternative nicotine products to the present law prohibition.

Proposed law defines "alternative nicotine product" as any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means, but does not include any:

- (1) Tobacco product.
- (2) Vapor product.
- (3) Product that is a drug pursuant to federal law (21 U.S.C. 321(g)(1)).
- (4) Device pursuant to federal law (21 U.S.C. 321(h)).
- (5) Combination product described in federal law (21 U.S.C. 353(g)).

Proposed law defines "vapor product" as any non-combustible product containing nicotine or other substances that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Proposed law further provides that "vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

Proposed law provides that "vapor product" does not include any:

- (1) Product that is a drug pursuant to federal law (21 U.S.C. 321(g)(1)).
- (2) Device pursuant to federal law (21 U.S.C. 321(h)).
- (3) Combination product described in federal law (21 U.S.C. 353(g)).

Present law prohibits the sale of tobacco to or the purchase or possession of tobacco by any person under the age of 18 years.

Proposed law retains present law and adds alternative nicotine products and vapor products to the present law prohibition.

Present law provides that, in order to prevent persons under 18 years of age from purchasing or receiving tobacco products from vending machines, the sale or delivery of tobacco products through a vending machine is prohibited unless either:

- (1) The machine is located in an establishment to which persons under the age of 18 are denied access.
- (2) The machine is located in facilities where the dealer ensures that no person younger than 18 years of age is present or permitted to enter at any time, and the machine is located within the unobstructed line of sight of a dealer or a dealer's agent or employee who is responsible for preventing persons younger than 18 years of age from purchasing tobacco products through that machine.

Proposed law retains present law and adds alternative nicotine products and vapor products to the coverage of present law.

Present law provides that, in order to prevent persons under 18 years of age from purchasing or receiving tobacco products from self-service displays, the sale or delivery of tobacco products through a self-service display is prohibited unless the machine is a vending machine that complies with the terms and provisions of present law.

Proposed law retains present law and adds alternative nicotine products and vapor products to the coverage of present law.

Present law provides relative to retail dealer permits and the renewal of retail dealer permits for the sale of cigars, cigarettes, and other tobacco products that are offered for sale either over the counter or by vending machine.

Proposed law retains present law and adds alternative nicotine products and vapor products to the coverage of present law.

Present law provides relative to the sale of tobacco products through vending machines and self-service displays.

Proposed law retains present law and adds alternative nicotine products and vapor products to the coverage of present law.

Present law defines "retail tobacco business" as a bona fide retail dealer engaged in the sale of tobacco products and accessories for retail sale where fifty percent or more of the total sales for the preceding 12 months, excluding fuel sales, were tobacco products, including cigarettes.

Proposed law retains present law and adds alternative nicotine products and vapor products to the definition of retail tobacco business.

Present law defines "tobacconist at a particular outlet" as a bona fide retail dealer engaged in receiving bulk smoking tobacco for the purpose of blending such tobacco for retail sale at a particular retail outlet where fifty percent or more of the total purchases for the preceding 12 months were purchases of tobacco products, excluding cigarettes.

Proposed law retains present law and also excludes alternative nicotine products and vapor products from the definition of "tobacconist at a particular outlet".

Present law prohibits any person, agent, associate, employee, representative, or servant of any person from selling or serving tobacco products over-the-counter in a retail establishment to any person under the age of 18 years unless such person submits a driver's license, selective service card, or other lawful identification that on its face establishes the age of the person as 18 years or older and there is no reason to doubt the authenticity or correctness of the identification. Present law further prohibits such persons from violating present law relative to the unlawful distribution of tobacco products to minors.

Proposed law retains present law and adds alternative nicotine products and vapor products to the coverage of present law.

Present law provides that the sale of tobacco products to a minor by a retail dealer's agent, associate, employee, representative, or servant is considered an act of the retail dealer except under certain circumstances.

Proposed law retains present law and adds the sale of alternative nicotine products and vapor products to the coverage of present law.

Present law provides that "server" means any employee of a vendor, other than security personnel, who is authorized to sell or serve alcoholic beverages or tobacco products in the normal course of his or her employment or deals with customers who purchase or consume alcoholic beverages or tobacco products.

Proposed law retains present law and adds alternative nicotine products and vapor products to the definition of "server".

Present law provides relative to dealers receiving unstamped and/or nontax paid cigarettes, cigars, and smoking tobaccos required to file monthly reports and maintain records. Present law further provides that vending machine operators must affix a sticker in a prominent place on each machine, in print not smaller than twenty-two point, stating that "Louisiana Law Prohibits the Purchase of Tobacco Products by Anyone Under Age 17".

Proposed law adds alternative nicotine products and vapor products to the coverage of present law and changes the age to be stated in the sticker from 17 years to 18 years.

Proposed law otherwise retains present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S.14:91.6(A) and 91.8(B),(C),(D), (E), (F)(1) and (2)(intro. para.) and (c), and (H), R.S. 26:901, 902(1), 905(B), 909(A)(2), 910, 910.1, 911(A)(intro. para.), (1) and (2), 917(A)(intro. para.) and (C), and 932(6), and R.S. 47:851(C)(2); Adds R.S. 14:91.6(B)(6) and (7)and 91.8(G)(6) and (7))